

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.162 OF 2007

IN

FAMILY COURT APPEAL NO.23 OF 2007

IN

PETITION NO.B-64 OF 2004

Mrs.Sarala Jayesh Solanki ..Applicant

Vs.

Mr.Jayesh Amrutlal Solanki ..Respondent

Mr.V.G.Mehta for the applicant

Mr.Sameer Tendulkar and Ms.Sunita Khankar for the respondent

**CORAM : J.N.PATEL &
A.A.SAYED, JJ.**

DATED : 9TH JULY, 2007

P.C.:

1. In so far as the order of statusquo is concerned, it is to be understood in the context that the order came to be passed when the appeal was preferred by the appellant against the impugned order. That would mean that the statusquo as on the date of passing of the impugned order is to be maintained.

2. In so far as expediting the hearing of the appeal is concerned, we do not find that the respondent has made out an exceptional case for giving a preference to the respondent when others are waiting in a queue. No doubt there is a provision in the Family Courts Act giving a time bound programme for disposal of their matrimonial cases as well as appeal arising therefrom but then it is subject to other limitations.

3. We have made a specific query with the learned counsel for the parties as to whether the parties have made an attempt to amicably settle the matter and work it out but we are told that though this court made an attempt, it could not be worked out. So for the present, it is out of question. Therefore, list the appeal for hearing in due course. Civil Application is disposed of accordingly.

4. The learned counsel for the respondent husband states that the respondent husband can suggest an alternate accommodation. If that is so,

the proposal can be given to the appellant and liberty to the parties to move this court in the matter, if such offer is made.

(SHRI J.N. PATEL, J)

(SHRI A.A. SAYED, J)